



# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
(850) 488-4710 www.leoncountyfl.gov

County Attorney's Office  
301 S. Monroe Street, Suite 202  
Leon County Courthouse  
Tallahassee, Florida 32301  
(850) 487-1008

### Commissioners

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District 2

DAN WINCHESTER  
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District 5

CLIFF THAELL  
At-Large

ED DePUY  
At-Large

PARWEZ ALAM  
County Administrator

HERBERT W.A. THIELE  
County Attorney

Attachment # 5

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December 19, 2005

J. Robert Boyd, Esq.  
Boyd, Lindsey & Sliger  
1407 Piedmont Drive East  
Tallahassee, FL 32308

Re: 6483 Bold Venture Trail

Dear Mr. Boyd:

This correspondence is in response to your letter of September 20, 2005, attached hereto for your ease of consideration, directed to Mr. Tony Park, Director of Leon County Public Works. In said letter, you stated that your firm represents Mr. and Mrs. Charles Dibella, who own property located at the above address. As you are aware, staff from Leon County Public Works has been working with the Dibellas and neighboring land owners to resolve stormwater issues brought about by property owners' obstruction of the County's stormwater easement over the above-referenced property. The attempt at resolution of this matter has been ongoing since April 21, 2005; and appears to have reached an impasse with your clients' refusal to comply with the County's request to remove the obstructions from the stormwater easement.

In your correspondence to Mr. Park, you indicate that the property owners contest the validity of the County's easement over their property. We would like to point out that this easement is noted in the Warranty Deed by which the Dibellas took title to their property and, said Warranty Deed is recorded in the Leon County public records at Book 3090, Page 2196. The deed in question expressly refers to the Killearn Ares Unit II plat, which is recorded at Book 5, Page 59 in the public records of Leon County. This plat clearly delineates the County's easement over your clients' property. Based on these records, our office believes that any claim that this easement is invalid is baseless and without merit.

Please consider this correspondence the County's final notice of your clients' obligation to remove said impediments from the stormwater easement. Please notify our office within five (5) business days of the date of this correspondence as to whether or not your clients have removed, or intend to remove, the impediments to the stormwater easement. If our office does not receive such notification, we intend to proceed with an action to enjoin the obstruction of the stormwater easement.

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Additionally, please note that, due to the County's belief that any claim made against the validity of this easement lacks merit, upon prevailing in this matter, the County would avidly seek attorney's fees and other compensation under the provisions of § 57.151, Florida Statutes (2005).

Should you wish to discuss this matter further, please contact the County Attorney's Office.

Sincerely yours,

COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA



Laura M. Youmans, Esq.  
Asst. County Attorney

LMY/eal  
Attachment

cc: Tony Park, Director, Public Works  
Theresa Heiker, Stormwater Management, Public Works  
Melissa Hughes, Stormwater Management, Public Works